

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JBRF, LLC, JOSHUA FELKER, AND §
LONESTAR HANDGUNS, LLC §
§

Plaintiffs, §
§

v. §
§

OLD REPUBLIC NATIONAL TITLE §
INSURANCE COMPANY, §
§

Defendant. §
§

Case No. 5:17-cv-815

**DEFENDANT OLD REPUBLIC NATIONAL TITLE INSURANCE
COMPANY'S NOTICE OF REMOVAL OF CIVIL ACTION**

Defendant Old Republic National Title Insurance Company (“Old Republic”) hereby files this Notice of Removal of Civil Action under 28 U.S.C. § 1446 (a), and in support thereof, alleges as follows:

THE STATE COURT ACTION

1. On May 8, 2017, Old Republic was served with Plaintiffs JBRF, LLC, Joshua Felker, and Lonestar Handguns, LLC’s Original Petition in the 225th Judicial District Court in Bexar County, Cause No. 2017C107134. Plaintiffs filed suit against Old Republic and Trinity Title of Texas (“Trinity”).

2. Plaintiffs allege Old Republic failed to adhere to its obligations under the title policy issued to JBRF, LLC, in connection to its purchase of 114-acres of real property located in Bexar County, Texas. Plaintiffs asserted causes of action for

breach of contract, negligence, and negligent representation. On June 26, 2017, Old Republic filed its Answer denying Plaintiffs' allegations.

3. On July 25, 2017, Plaintiffs filed and served a Notice of Nonsuit with Prejudice as to Defendant Trinity Title of Texas. The dismissal of Trinity created complete diversity and a basis to remove the case to federal court.

4. Old Republic files this notice of removal within 30-days of its receipt of Plaintiffs' notice of non-suit pursuant to 28 U.S.C. § 1446(b)(3).

BASIS FOR REMOVAL-DIVERSITY JURISDICTION

5. Removal is proper in this case pursuant to 28 U.S.C. § 1332(a) because there is complete diversity between the parties and the amount in controversy exceeds \$75,000, excluding interest and costs.

6. Upon the filing of Plaintiffs notice of nonsuit as to for Trinity, Trinity was automatically dismissed from the case without further action of the Court. This left only Old Republic as a Defendant.

7. Plaintiff Joshua Felker is an individual whose domicile is Texas. Plaintiffs JBRF, LLC and Lonestar Handguns, LLC are organized under the laws of the State of Texas and have their principal places of business in Texas. Therefore, the Plaintiffs are all citizens of Texas for purposes of diversity jurisdiction.

8. Old Republic is a Florida corporation with its principal place of business in Minneapolis, Minnesota. Old Republic is therefore considered to be a citizen of Florida and Minnesota for purposes of diversity jurisdiction.

9. Plaintiffs expressly pled the amount in controversy is over \$200,000.¹

10. Removal is proper in this case because there is complete diversity between the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs. 28 U.S.C. § 1332(a).

11. Copies of all pleadings, process, orders, and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. § 1446(a), as well as the docket sheet as required by LCvR81.2(a).

12. Plaintiffs did demand a jury in the state-court suit.

13. Old Republic will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

14. Attached to this Notice of Removal of Civil Action are the following:

Exhibit A: Index of Documents Filed in State Court;

Exhibit A-1: Petition with Jury Demand;

Exhibit A-2: Civil Case Information Sheet;

Exhibit A-3: Citation issued for Old Republic National Title Insurance;

Exhibit A-4: Citation issued for Trinity Title of Texas, LLC;

Exhibit A-5: Original Answer of Trinity Title of Texas, LLC;

Exhibit A-6 Original Answer of Old Republic Nat. Title Insurance Co.;

Exhibit A-7: Rule 11 Agreement;

Exhibit A-8: First Amended Answer of Trinity Title of Texas, LLC;

Exhibit A-9: Motion to Dismiss Baseless Cause of Action;

¹ See Ex. A-14 Pls.' 1st Am. Pet. 2.

Exhibit A-10: Rule 11 Agreement;

Exhibit A-11: Nonsuit as to Trinity Title of Texas Only;

Exhibit A-12: First Amended Answer of Old Republic Nat. Title Insurance Co. (Mislabeled "Original Answer").

Exhibit A-13: Old Republic Nat. Title Insurance Co. Motion to Dismiss

Exhibit A-14: First Amended Petition with Exhibits;

Exhibit B: Docket Sheet.

15. Venue is proper in this district under 28 U.S.C § 1441(a) because the state court where the suit has been pending is located in this district.

CONCLUSION

Because complete diversity exists and the amount in controversy exceeds \$75,000, Old Republic hereby removes this suit to the United States District Court, Western District of Texas, San Antonio Division.

Respectfully submitted,

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**ATTORNEYS FOR OLD REPUBLIC
NATIONAL TITLE INSURANCE
COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2017, a true and correct copy of the foregoing has been filed via the Court's ECF system and served upon all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jeremy T. Brown
Jeremy T. Brown